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VIA ECF

The Honorable Alison J. Nathan, U.S.D.J. U.S. District Court for the Southern District of New York 40 Foley Square New York, New York 10007

Re: Nisbett v. Paigelauren Enterprises, LLC, 1:20-cv-10569 (AJN)

Dear Judge Nathan:

This firm represents Plaintiff Nisbett in this website accessibility case under the Americans with Disabilities Act, New York State Human Rights Law and New York City Human Rights Law. We submit this letter to clarify the record and to respectfully request to be relived of the obligation to move for default judgment.

The Court's February 16, 2021 Order (Dkt. No. 6) states that Defendant was served on December 18 and thereby directs Plaintiff to file a motion for default judgment by March 15. Plaintiff has, however, been unable to serve the Defendant and has, accordingly, not filed an Affidavit of Service. This is not for a lack of effort. Plaintiff has, rather, attempted to serve the Defendant on three occasions at three different addresses, with the first attempt on January 4 and the last attempt on February 9. Plaintiff, most recently, has instructed its process server to perform a skip trace to identify any other addresses for Defendant. If that is unsuccessful, Plaintiff will seek leave to serve Defendant via substituted service through the Secretary of State of California under California Corporations Code § 1702(a).

Given this, Plaintiff respectfully requests to be relieved of the obligation to file the default judgment motion. We appreciate the Court's consideration of this request.

SO ORDERED.

2/22/2021

Respectfully submitted, LIPSKY LOWE LLP

s/ Douglas B. Lipsky
Douglas B. Lipsky